

of their own choosing to present to and make known to the state, or any of its political subdivisions or agencies, their grievances and proposals. Persons in private employment shall have the right to bargain collectively through representatives of their own choosing."

I might say that public and private employees are separated both in the model I just read to you, and in the New Jersey and Hawaii Constitutions. Some research into the reasons for doing this have revealed that it would not be necessary to make separate provisions in this constitution as long as the intention is clear to include both public and private employees and for that reason we do not suggest separate provisions.

THE CHAIRMAN: Delegate Pullen.

DELEGATE PULLEN: Mr. Chairman, I would like to rise for a point of personal privilege and ask the Convention to join me in welcoming my neighbor and the President of the Baltimore County Parent-Teachers Association, Mrs. Lee Wuerfel and Mr. R. R. Richards of the Parent-Teachers Association of Baltimore County.

*(Applause.)*

THE CHAIRMAN: Delegate Ulrich.

DELEGATE ULRICH: Mr. President, I rise for a point of personal privilege. I want to welcome some more students from the North Glen Elementary School along with their teachers, Mrs. Perkins, Mrs. Pearson, Mrs. Harris and Mr. Muntain.

I hope the Convention will welcome them at this time.

*(Applause.)*

THE CHAIRMAN: Delegate Maurer, do you have a further question?

DELEGATE MAURER: Yes, is it not true that the state by-law which was passed deals only with the right of the members of a particular organization to consult with the school board and still leaves open the question I raised about the rights of other organizations to claim that under this wording they still have a right to negotiate with the board, too. I think we have an interim problem here which the State, by law, does not address itself to.

THE CHAIRMAN: Delegate Bothe.

DELEGATE BOTHE: Delegate Maurer, are you referring to the Baltimore teachers?

DELEGATE MAURER: The state law which Delegate Miller mentioned which, as

she phrased it, indicated that this resolved the problem — and I am saying it still leaves open — raises the question whether it does not still leave open the very problem I raised with you initially about recognition.

DELEGATE BOTHE: We are not writing a statute here as has been said. We are simply stating a right. The right has some justifiable aspects to it. What they are or may be is about as impossible for me to summarize as it has been in the last few days for other speakers trying to talk about due process and equal protection and such ever-expanding and happily nebulous phrases.

Here again we have the statement of a basic right which has all kinds of implications and connotations. I would suggest to you that particularly on the basis of the Missouri decision which is the only one I have been able to locate, construing the right without any additional material, that in the event a state or private employer is confronted with competing demands from varying organizations, for collective bargaining and organization, the subject would be within reasonable construction of the courts if it could not be resolved privately and I cannot picture any court saying that an employer must bargain with every faction of employees in his place. I think what happened in the teacher's strike in Baltimore would be the proper procedure and that is that the employer arranged to have an election in which the choice of the majority of the teachers was made and then proceeded to bargain with that segment.

THE CHAIRMAN: Delegate Pascal?

DELEGATE PASCAL: Delegate Bothe, on your point regarding collective bargaining, is it my understanding that a portion of the employees could bargain with the employer if they did not represent the majority? Is that correct?

DELEGATE BOTHE: They can today, under federal law, except that the obligation of the employer to deal with them is limited in the case where they do not represent a majority.

THE CHAIRMAN: Delegate Pascal.

DELEGATE PASCAL: One other point. Let us say that 20 per cent of the employees would like to bargain. Would they forego the election as to whether to be represented by a particular union? Do they bargain without an election?

DELEGATE BOTHE: There is no magic to an election. The National Labor Rela-